

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

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KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 11, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Ben Sautter, Road Supervisor; Megan Bullock, County Sanitarian; Bob Sims, Peter Bogy, Tom Harrington, Bob Donat, Joe & Leita Beardsly, Lew Mitchell, Herb Wanke, Rick Saunders, Dave Adamson, Bob Davis, Bob Nevins, Peggy Morales, Mike Baker, Mildie Kehr, Ben Donaldson, Rusty Giulio, Buster Bullock, Jan Anderson

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 13-2005 DEED RESTRICTION FOR FAIRGROUNDS USERS FEES

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 13-2005

DEED RESTRICTION FOR JEFFERSON COUNTY FAIRGROUNDS USER FEES

WHEREAS, Jefferson County has been engaged in a process to gain ownership of the Jefferson County Fairgrounds through a 77-2-351, MCA land transfer to a local government for public use with the Montana Department of Corrections, and;

WHEREAS, Jefferson County received preliminary approval in June 1998 from the State Land Board for the 77-2-351, MCA land transfer to a local government for public use for the Jefferson County Fairgrounds, and;

WHEREAS, Jefferson County, through the Montana Department of Natural Resources and Conservation, sought consultation on the 77-2-351, MCA land transfer to a local government for public use for the Jefferson County Fairgrounds on March 22, 2005 of the Legislative Council

which was represented by the Montana House of Representatives State Administration Committee, and;

WHEREAS, the Montana House of Representatives State Administration Committee on April 6, 2005 recommended that the deed for the Jefferson County Fairgrounds should be transferred with a restriction that Jefferson County must deposit all collected Fairground fees into a special fund that may be used only for construction, operations, and maintenance of the Fairgrounds (Exhibit A), and;

WHEREAS, the deed will have this restriction placed upon it when Jefferson County receives it along with another restriction that the facility must be used for public use and, if not, Jefferson County will revert the ownership of the property back to the State of Montana;

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of County Commissioners has established a special fund in the office of the Clerk and Recorder that will be used to deposit all Fairground fees (users fees), in perpetuity, for use in construction, operations, and maintenance of the Fairgrounds.

DATED this 11th day of May, 2005.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Harold Stepper stated that when they went to the legislative council, this was a real factor with some of the committee members. This has always been done in the past, the user fees stay with the fairgrounds, so it does not present a problem. He stated that they are getting very close to having the transfers completed. Commissioner Weber moved to enter into Resolution 13-2005. Commissioner Notbohm seconded, and noted that he is the one who initiated the resolution, because the committee chair wanted it. This will give the committee assurance, noting that the Commission doesn't want to get turned down. The motion carried.

SIGN CONTRACT FOR PUBLIC ESTABLISHMENT INSPECTIONS

Megan Bullock, County Sanitarian, stated that she advertised the contract position for two weeks and received bids. This person will do public establishment/restaurant inspections. The contract is for \$10,500 until the end of fiscal year 2006, and will do approximately 140 inspections.

Commissioner Weber moved to sign the contract for public establishment inspections.

Commissioner Notbohm seconded. The motion carried.

INTERIM REPORT ON GOLDEN SUNLIGHT MINE LITIGATION TEAM

Peter Bogy stated that since he last spoke with the Commission, he has talked to representatives from the mine and mine attorney Allen Joslyn. They have scheduled a meeting for the next day. The main concern at this time is cost; this will take a lot of money. Peter stated that he thinks he can come up with a plan that will not have a large dollar impact, but have an impact on litigation. Peter stated that Mr. Joslyn told him that, however this plays out, it is tremendously gratifying to him that the county is willing to be involved. He proposed to come back in two weeks, after having talked to Mr. Joslyn and the County Attorney, with a written proposal that might make this feasible. Hiring environmental specialists will be very costly. This item was rescheduled for the June 1 meeting.

Bob Sims stated that he has talked to several people, and the environmentalists are still pushing for backfill.

DISCUSS AMENDMENTS TO COUNTY ROAD STANDARDS

Commissioner Lythgoe stated that the current road standards have been in place for some time, and the Commission is proposing some amendments. Ben Sautter, Road Supervisor, stated that he and Commissioner Weber found out this morning that many of these amendments have already been in the standards, but they haven't been enforced. These amendments are needed to provide better roads in the county.

Commissioner Weber stated that he and Ben met with Alan Erickson and Bill Lloyd of Great West Engineering to discuss the road standards that morning. Alan and Bill have a lot of experience in road standards, gravel, compaction standards, etc., and they thought that overall, the standards adopted in 2002 are good. However, road standards is a living document that needs periodic updating. Ben has retained Great West's services to review the technical aspects of the document, to make sure that they are feasible.

Rick Saunders asked if the county is going to be held to the same standards. He noted that in the south end of the county, there has been no rock on the roads in the past three years. Recently, the Road Department put dirt taken from the landfill onto the roads, after it rained it created a mess and they had to come back and grade the new material off of the road. He asked when they are going to be able to get some rock on the road. Commissioner Weber stated that the current road standards address the County's responsibility, in that roads will be upgraded as time and resources permit, and the County is working on the roads, as time and resources permit. Rick stated that this sounds like a catch-all. The County will force these standards on developers, but

the County's roads are mud. He stated that this will drive people out of the county, rather than attract them. Commissioner Weber stated that the Commission shares his concerns, which is why they have a Road Department and these standards. If the County had all the resources in the world, all the roads would be fixed immediately.

Commissioner Lythgoe noted that the County needs to start somewhere. Just because it was done wrong in the past, it doesn't mean that it needs to continue. There are now standards to live up to. Prior to Ben, roads were allowed to deteriorate before anything was done. The Road Department has made huge strides, but it will take time. Some materials that they thought would be good turned out not to be. The Road Department will need to go back and reevaluate.

Commissioner Notbohm stated that he agrees the standards are good and needed, but he feels that the County may not be able to live up to them. He stated that the County has a lot of roads out there that don't come close to the standards. He questioned that if the County starts to redo these roads, are they going to bring them up to standards. Commissioner Lythgoe stated that Commissioner Notbohm knows as well as he does that the roads need updating. The Road Department is making huge progress, and the County can't require less of itself than of others.

Bob Donat stated that item 1 is adding expense to a high density situation, but in the south end of the county with bigger lots, it is cost prohibitive. Also, the County is requiring an engineer to design the road, but it will not be reviewed by an engineer. He stated that an engineer is not always required. In item 2, if a variance is to be granted, it should be approved by an elected official. Commissioner Weber stated that this is already in the current standards. Bob next commented on item 3. He stated that it would be better to lay half of the material for the road, compact and then add material up to six inches. Bob stated that compaction testing required in item 4 will be hard to do. As for item 6, which states that any subdivision of six lots or more must be hard surfaced, he stated that his subdivision has six large lots, and two miles of road. He felt that this item would be better suited for high density areas. Bob stated that items 8 and 9 will stifle growth, and stated that he is in favor of keeping the standards as they are.

Dave Adamson stated that he is a real estate broker, and he has researched what it would cost to implement these requirements. He stated that a developer would have to charge 200-300% more for parcels because of the paving requirement. This will cause people to go elsewhere and is going to kill growth. Dave stated that he can understand this for the north end of the county, but noted that the south end is more open. He understands what the Commission is trying to do, but encouraged them to live with and enforce the current standards, and deal with things geographically.

Bob Davis stated that he thinks the County is going overboard with requiring 6 inches of material on the roads.

Tom Harrington stated that they are putting the County in a tough situation. If they can't live up to what is required of developers, if they force these standards, they are going to open themselves up to lots of complaints. He suggested sensing meetings and phasing requirements in.

Bob Nevin stated that he agrees with everyone else. It is asinine to push this with the current condition of county roads. He stated that this will drive out business from the south end.

Mike Baker stated that he has started his project. The County voted to accept Robbins Lane, and he would maintain and upgrade it. At the time the agreement was made, it was agreed that he would bring it up to county standards. He stated that it is already a quarter-million dollar project, and if the Commission approves these amendments, it will bankrupt him.

Joe Beardsley stated that he appreciates hearing from those who have technical experience and money invested. His tact - he is concerned with the procedure. He has been a watchdog of the planning process and property rights. He stated that this agenda is misleading. This issue deals with subdivisions, and is about subdivisions, not county roads. In the interest of truth and honesty, he suggested that the Commission stop doing this. He noted that state law requires that the Commission be honest in their agendas, and the Commission is bound by the constitution to have fidelity. He asked the Commission to ask the County Attorney if they need to be open and honest in what is on the agenda. He also requested that the Commission change the heading to subdivision road standards. The Commission needs to be honest with what they are going to do. He asked if the Commissioners have discussed the new standards regarding the requirements of health, safety and welfare; and are these better than the old standards in meeting these requirements.

Mildie Kehr stated that she was at the Commission meeting the previous week to discuss something similar. She lives on a private road. The residents of the road have agreed to upgrade the road, with no cost to the County, and the request has been shot down, because it will not be to standards. She stated that there needs to be compromise. They suggested pull-outs, and the County said no. The County has come up with standards that they say they will comply with at some time, but when. Here is a private road that citizens are willing to pay for, and the County won't allow it.

Ben Donaldson stated that he agrees with most of what has been said. He understands that the County will not accept any more subdivision roads. He questioned why the Commission cares how the roads are built if they are not going to take them.

Leita Beardsley asked who came up with the proposal for the changes. Commissioner Lythgoe stated that Ben came up with the amendments, after discussion with the Commission and the Planner. Because of the condition of some roads in the county, people are living on dangerous roads. Leita stated that she is not surprised that these changes came out of the Planning Department, with their record of secret meetings and lies. Commissioner Lythgoe stated that this type of talk will not be allowed, and requested that she stay on topic. Leita stated that the growth policy was put together with the Sonoran Institute, with the intent to cut back on sprawl.

Buster Bullock stated that he has heard a lot of accusations. Everyone is concerned with the safety of the roads. The County needs to consider the cost of asphalt versus gravel. Also, if the road foreman is going to be held to the standards, he needs to be out of the process. He feels the

same thing applies with a fire chief that is asked to sign off on a subdivision. He stated that there needs to be standards across the board. Commissioner Lythgoe stated that this is a good point. If the road standards are for the County, then the standards are for the County; if they are just for subdivisions, that distinction needs to be made. That is a discussion that needs to be held. Commissioner Notbohm stated that he doesn't know if they can be separated, noting that subdivision roads and county roads go hand in hand.

Rusty Giulio stated that he is a developer, and developers need to do better. He spends a lot of time going out and fixing what someone else has done. As far as paving goes, you need to look at density. With large parcels, it is not cost effective to pave. Commissioner Lythgoe stated that one thing he has made a note of is lot size, which he feels is important. Rusty stated that the expense will be put on the front end, with the lot fees for a new subdivision. He stated that these aren't road standards; this is called progress.

Harold stated, to address what Rusty said, that there is a bill currently on the Governor's desk regarding impact fees. Rusty stated that it all goes back to the volume of traffic. Commissioner Lythgoe stated volume and lot size.

Mildie stated that this addresses new roads; what about existing roads and how does one get a variance. Commissioner Notbohm stated that there is no way to bring all the roads in the county up to standards.

Ben stated that this item will be on the agenda again the following week, and asked what more needs to be discussed at this time. Commissioner Lythgoe stated that this needs to be discussed among staff.

Bob Donat asked if the meeting where this will be decided could be held at night. A lot of the people concerned with this work, and an evening meeting would be much better for them. A meeting was scheduled in the evening in Whitehall, but Commissioner Weber backed out. Commissioner Lythgoe stated that he will think about it. Joe questioned if the next meeting will be discussing revised amendments, and how are they to know or get a copy of them. Commissioner Lythgoe stated that they will be on the counter in the Clerk and Recorder's office and other areas in the County. The amendments can also be mailed. Regarding the meeting, Commissioner Weber was told that this would be ex-parte, and was advised not to meet with the group to discuss. After more research, it was found that this only applies to subdivisions. Bob noted that he spent \$130 to place an ad in the paper, and asked if the Commissioners were going to pay for a similar ad to announce the next meeting.

Rusty Giulio asked if when they sit down to discuss this, if they can discuss the county doing some maintenance if developers build the roads to standards. Commissioner Lythgoe stated that they can discuss it, but he can't promise anything. Ben stated that this isn't something he would consider at this time. He is getting calls from people in subdivisions, which are not county roads, and people are complaining that the roads are not well built and it is the county's fault. He stated that he's not going to take the worst roads in the county. He may consider taking some roads in

the future, if they are built to standards. He noted that these are just ideas, and that the county isn't trying to shove them down anyone's throat. However, he has 13 or 14 subdivisions that have the worst roads in the county, because the county did a poor job in the past. The County is trying to save money, rather than have taxpayers foot the bill. This is pro-development. He has done development himself, and built roads, and the paved roads are the best. Commissioner Lythgoe stated, as Ben said, he has done developments of his own, with paved roads. This was done in a less affluent county than Jefferson, and without getting the kind of money they are getting in the north end, and he still made money. It doesn't hold water that this will drive up costs.

Ben stated that he understands the difference between the south, middle and north regions of the county, but really all are the same with the same tax bill. He stated that he has heard some good ideas today, noting that the county employees can't think of everything themselves. He appreciates the input, and that it is not personal or hostile.

Commissioner Weber encouraged anyone who reads the current standards and has an idea to write it down and bring it in. The Commission is open for input and suggestions. Commissioner Lythgoe stated that this is why the road amendments are being discussed at numerous meetings; the Commission wants the input.

CALENDAR REVIEW

- 5/12 Survey committee - 8:00
Safety committee - 9:00
Elkhorn working group - noon
Weed Board - 6:00
Library Board - 6:30
- 5/13 Meet with Salty, Bonnie and Kellie - 9:00
Meet with Dr. Kehr - 11:00
- 5/16 Meet with Bill Anderson and Alan Erickson - 1:00
Road standards public meeting - 5:00 - Whitehall
- 5/17 Golden Triangle - Boulder - 5:30
Fair Board - 7:00
- 5/18 CTAC - Whitehall - 8:00

COMMISSION REPORTS

PAYROLL STUDY

Commissioner Lythgoe reported that he met with Salty Payne, Bonnie Ramey and Kellie Doherty on Monday regarding the payroll study. He stated that they are getting very close to a conclusion. Another meeting will be held on Friday, and Salty will be bringing a proposal to the Commission on the 18th. There has been a lot of work done by Salty, Bonnie and Kellie, and he thinks they have a good plan.

JLDC

Commissioner Lythgoe reported that he attended the JLDC meeting on Monday afternoon. A major topic of discussion was AYA. Someone is interested in purchasing. The parent company was very interested at one point, but has suddenly changed their position. The Department of Corrections has put together a RFP regarding a facility for specific adult corrections situations, and the parent company is more into adult corrections than youth. The JLDC is still going to pursue the sale.

ROAD CLOSURE

Commissioner Weber reported that he and Ben Sautter, Road Supervisor, viewed the road petitioned for closure by the Williams. He recommended that this petition go forward for approval or denial.

Commissioner Notbohm reported that he and Ben viewed streets and alleys in Clancy petitioned for closure, and he recommended that this petition also be on an agenda to deal with.

ROAD MEETING

Commissioner Weber reported that he had to cancel his involvement with a meeting concerning amendments to the road standards Thursday night in Whitehall, as he was advised by the County Attorney that he could be in violation of ex-parte laws.

LIBRARY BOARD

Commissioner Weber reported that he met with Glenna Waltee of the Library Board on the 9th, to discuss the relationship between the Commission and the Library Board. The board wants to maintain their current status and not become totally autonomous. They feel that better communication is needed, and that any problems should be discussed face to face.

Commissioner Lythgoe asked when the next Library Board meeting will be held. Commissioner Weber stated that one is scheduled for Thursday. Commissioner Lythgoe asked Commissioner Notbohm if he had a problem with Commissioner Weber attending the meeting, or would Commissioner Notbohm like to attend. Commissioner Notbohm stated that it didn't matter to him. Commissioner Weber noted that he has a problem, the Weed Board meets the same night as the Library Board. Commissioner Lythgoe questioned if Commissioners Weber and Notbohm should switch board appointments. Commissioner Notbohm indicated that this is okay with him, and that he is glad to see that the Library Board is willing to go forward.

4-H

Commissioner Weber reported that he attended a meeting with the State 4-H Director in Whitehall on Thursday. The Director spoke to the 4-H Council, which was followed by a meeting of the 4-H Council.

SOUTH HELENA INTERCHANGE

Commissioner Lythgoe reported that he had a conversation with MDT the previous day, in which he learned that they have decided to do a roundabout at the South Helena Interchange. Commissioner Lythgoe stated that he informed them if they are going to do a roundabout at the

South Helena Interchange, they need to reconsider doing on at Montana City. A roundabout was the original plan, it is what everyone wanted, and MDT needs to reconsider this option. Montana City has the same conditions as the South Helena Interchange, so all the reasons not to do it go away. Commissioner Lythgoe predicted that he will hear that MDT will have a hearing in the near future about this. Commissioner Notbohm stated that it is a good plan, but wondered if it will upset the apple cart. Commissioner Lythgoe stated that it will cost the same either way, and that they are separate projects.

REQUEST TO USE ROAD DEPARTMENT EQUIPMENT

Commissioner Notbohm reported that he spoke with DeeDee Craft regarding a request for the road department to roll the baseball fields in Boulder. DeeDee thanked him for talking to him about this, and stated that the City usually has a local contractor do this. DeeDee also asked him about the situation with the radio tower by the water tank. Commissioner Lythgoe stated that Sally Buckles has drafted a letter to the City.

BASIN FIRE TRUSTEE

Commissioner Notbohm stated that an application to serve in the Basin Fire Trustee Board has been received. This item is on the agenda for the next meeting.

SOUTH HILLS DRIVE

Commissioner Notbohm stated that he received a call from Dr. Kehr, who asked if Matt Johnson, had made a determination if South Hills Drive is a county road. Commissioner Lythgoe stated, that in regards to that, he has spoken with Matt and Harold, and the part of the road that is in Jefferson County is part of Crossfire Estates, and therefore, a subdivision road. The Kehrs will need to contact Lewis & Clark County regarding the portion of the road that is in that county. Mildie Kehr asked who is responsible for the road. Commissioner Lythgoe stated that it is up to the homeowner's association. Mildie asked if that is the case, then how can the county mandate how the road is maintained or repaired. Harold stated that when a subdivision is approved, it states that the roads have to be to county standards. This is an old subdivision, actually several subdivisions, and he is not sure what the road standards were at the time they were approved. Commissioner Lythgoe stated that the road was constructed by AT&T.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER